

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Milton M. Morris	Examiner:	Scott M. Getzow
Serial No.:	10/759,744	Group Art Unit:	3762
Filed:	January 19, 2004	Docket:	279.127US3
Title:	THERAPY-SELECTION METHODS FOR IMPLANTABLE HEART MONITORS		

TERMINAL DISCLAIMER

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Eduardo E. Drake, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on January 19, 2004. I am making this petition on behalf of Cardiac Pacemakers, Inc., the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, Cardiac Pacemakers, Inc., certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/759,744), to U.S. Patent No. 6,681,134, and to U.S. Patent No. 6,314,321. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for all of these applications. The assignment for U.S. Patent No. 6,314,321 was recorded on September 20, 1999 on Reel 010279, Frames 0245-0247, with the United States Patent and Trademark Office. U.S. Patent No. 6,681,134 is a continuation of U.S. Patent No. 6,314,321. The above-identified patent application (Serial No. 10/759,744) is a continuation of U.S. Patent No. 6,681,134.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, Cardiac Pacemakers, Inc., seeking to take the action set forth in this disclaimer.

Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of U.S. Patent No. 6,314,321 or U.S. Patent No. 6,681,134. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent No. 6,314,321, U.S. Patent No. 6,681,134 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,314,321 or U.S. Patent No. 6,681,134 in the event that either patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove.

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Fee Status

Please charge Deposit Account 19-0743 in the amount of \$130.00, which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MILTON M. MORRIS

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9593

Date 17 Sept. 2007

By 

Eduardo E. Drake
Reg. No. 40,594

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17 day of September 2007.

Name NIMKE THOR

Signature 